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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,359	03/02/2004	Kenneth Roger Jones	1033-MS1024	8966
60533	7590	01/22/2008		
TOLER LAW GROUP 8500 BLUFFSTONE COVE SUITE A201 AUSTIN, TX 78759			EXAMINER BOKHARI, SYED M	
			ART UNIT 2616	PAPER NUMBER
			MAIL DATE 01/22/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/791,359	Applicant(s) JONES ET AL.	
	Examiner Syed Bokhari	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-3,6-15,17-22 and 24-32 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3,7,14,15,20-22,24,29,31 and 32 is/are rejected.
- 7) ☒ Claim(s) 6, 8-13, 17-19, 25-28 and 30 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Response to Amendment

1. Applicant amendment filed on October 9th, 2007 has been entered. Claims 1, 6, 13, 14, 20, 2125, 26, 27 and 28 have been amended. Claims 4-5, 16 and 23 have been cancelled. Claims 1-3, 6-15, 17-22 and 24-32 are still pending in the application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 1-3, 7, 14-15, 20-22, 24, 29 and 31-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Jones et al. (US 2005/0033853).

Jones et al. discloses a communication system to identify devices employing point to point over Ethernet encapsulation with the following features: regarding claim 1, a method of identifying a device comprising (Fig. 1, distributed network, see "utilizes point to point over Ethernet PPPoE" recited in Abstract lines 1-3), receiving a request to establish a Point to Point Protocol over Ethernet (PPPoE) session on behalf of a Local Area Network (LAN) side device (Fig. 2, CPE device connected via an IP network to access concentrator, see "the CPE receives a PPPoE active discovery session packet" recited in paragraph 0008 lines 9-16), outputting a PPPoE discovery stage packet that comprises a tag identifying the LAN side device (Fig. 2, CPE device connected via an IP network to access concentrator, see "sending a PPPoE active discovery packet" recited in paragraph 0009 lines 1-5), receiving a different request to establish a different PPPoE session on behalf of a different LAN side device (Fig. 2, CPE device connected via an IP network to access concentrator, see "the CPE receives a PPPoE active discovery session packet" recited in paragraph 0022 lines 1-3 and paragraph 0008 lines 9-16), outputting a different PPPoE discovery stage packet that comprises a different tag identifying the different LAN side device (Fig. 2, CPE device connected via an IP network to access concentrator, see "sending a PPPoE active discovery packet" recited in paragraph 0022 lines 1-3 and paragraph 0009 lines 1-5 on page 1 in Summary), receiving an access concentrator packet responsive to the PPPoE discovery stage packet (Fig. 3, stages of PPPoE discovery, see "PADO packet is received by client 225 in step 306" recited in paragraph 0031 lines 3-5), the access concentrator packet

comprising the tag recognizing the tag in the access concentrator packet (Fig. 3, stages of PPPoE discovery, see "packet includes a tag that identifies a product" recited in paragraph 0031 lines 5-9) and communicating the tag from the access concentrator packet to the LAN side device (Fig. 3, stages of PPPoE discovery, see "the Ethernet communication session is then conducted between the client and the server" recited in paragraph 0031 lines 9-14); regarding claim 2, wherein the PPPoE discovery stage packet comprises a PPPoE Active Discovery Initiation packet (Fig. 3, stages of PPPoE discovery, see "active discovery initiation PADI packet" recited in paragraph 0030 lines 8-10); regarding claim 3, further comprising receiving an access concentrator packet responsive to the PPPoE discovery stage packet, the access concentrator packet comprising the tag (Fig. 2, CPE device connected via an IP network to access concentrator, see "device identifier in the tag with a PADR packet" recited in paragraph 0032 lines 1-10); regarding claim 7, wherein the tag complies with a Host-Uniq TAG construct described in IETF RFC 2516 (Fig. 2, CPE device connected via an IP network to access concentrator, see "include a tag host-uniq tag" recited in paragraph 0008 lines 7-9); regarding claim 14, a device identification system, comprising (Fig. 1, distributed network, see "utilizes point to point over Ethernet PPPoE" recited in Abstract lines 1-3), an access concentrator having a computing platform and an interface operable to facilitate a communicative coupling of a plurality of remote devices to the computing platform (Fig. 2, CPE device connected via an IP network to access concentrator, see "CPE devices

225 are connected to access concentrator " recited in see paragraph 0027 lines 1-4), a second interface communicatively coupled to the computing platform (Fig. 2, CPE device connected via an IP network to access concentrator, see "access concentrator 223 is connected to a database" recited in see paragraph 0028 lines 4-11), operable to facilitate an outputting of a collection of information representing a PPP session of a first of the plurality of remote devices and a different PPP session of a different one of the plurality of remote devices (Fig. 1, distributed network, see "CPE provided information broadband service provider to identify and manage" recited in paragraph 0022 lines 4-11 on page 2), a Local Area Network (LAN) engine communicatively coupled to the interface and configured to recognize an identification tag in a packet included in a discovery stage of the PPP session, the identification tag identifying a subscriber LAN device communicating the packet via the first of the plurality of remote devices (Fig. 1, distributed network, see "discovery packet having a tag including a device identifier field" recited in paragraph 0012 lines 1-10), wherein the LAN engine is at least partially embodied by a processor accessing a computer-readable medium having computer-readable instructions (Fig.4, an ADSL bridge/router board which incorporates a module configured to transmit a PPPoE active discovery packet including tag, see "board 400 includes a memory control 409 with connecting flash 411 and SDRAM 410" recited in paragraph 0035 lines 1-10), executing the computer-readable instruction to recognize an existence of the tag to identify device identification information contained in the tag (Fig.4, an ADSL bridge/router board which incorporates a module configured to transmit a

PPPoE active discovery packet including tag, see "module 415 configured to transmit active discovery packet including tag" recited in paragraph 0034 lines 1-11) and to update a memory associated with a Broadband Remote Access Server to acknowledge the device identification information (Fig. 2, CPE device connected via an IP network to access concentrator, see "access concentrator 223 receives the tag information and stores the device identifier code in a database" recited in see paragraph 0032 lines 7-13); regarding claim 15, wherein the tag complies with a Host-Uniq TAG construct described in IETF RFC 2516 (Fig. 2, CPE device connected via an IP network to access concentrator, see "include a tag host-uniq tag" recited in paragraph 0008 lines 7-9); regarding claim 20, further comprising a Broadband Remote Access Server communicatively coupled to the LAN engine (Fig. 2, CPE device connected via an IP network to access concentrator, see "CPE devices 225 are connected to access concentrator " recited in see paragraph 0027 lines 1-4) and operable to maintain information representing the subscriber LAN device (Fig. 1, distributed network, see "access concentrator collects CPE provided information" recited in paragraph 0022 lines 7-11); regarding claim 21, a method of identifying remote devices comprising ((Fig. 1, distributed network, see "utilizes point to point over Ethernet PPPoE" recited in paragraph 0008 lines 1-3), receiving a PPPoE packet from a remote node (Fig. 2, CPE device connected via an IP network to access concentrator, see "the CPE receives a PPPoE active discovery session packet" recited in paragraph 0012 lines 2-5), recognizing that the PPPoE packet comprises a tag including information associated with a device communicating

via the remote node (Fig. 1, distributed network, see "discovery packet having a tag including a device identifier field" recited in paragraph 0012 lines 5-10), receiving another PPPoE packet from the remote node (Fig. 2, CPE device connected via an IP network to access concentrator, see "the CPE receives a PPPoE active discovery session packet" recited in paragraph 0008 lines 9-16), recognizing that the other PPPoE packet comprises a different tag including other information associated with a different device communicating via the remote node (Fig. 2, CPE device connected via an IP network to access concentrator, see "sending a PPPoE active discovery packet" recited in paragraph 0009 lines 1-5) and providing a broadband link at least partially a communicating network node and the remote node (Fig. 2, CPE device connected via an IP network to access concentrator, see "broadband service provider computing a DSL service required for end users" recited in paragraph 0004 lines 1-10 in background); regarding claim 22, further comprising: associating the remote node with a subscriber; and maintaining subscriber information comprising an identification of the device and the different device (Fig. 2, CPE device connected via an IP network to access concentrator, see "device identifier in the tag with a PADR packet" recited in paragraph 0032 lines 12 on page 2 and lines 3-10); regarding claim 24, wherein the PPPoE packet comprises a PPPoE Active Discovery Initiation (PADI) packet (Fig. 2, CPE device connected via an IP network to access concentrator, see "include a device identifier code" recited in paragraph 0008 lines 3-7); regarding

claim 29, wherein the communication network node comprises a Broadband Remote Access Server (Fig. 2, CPE device connected via an IP network to access concentrator, see "CPE devices 225 are connected to access concentrator " recited in paragraph 0027 lines 1-4); regarding claim 31, wherein the tag comprises a sixteen-bit tag (Fig. 6, Ethernet payload for PPPoE, see "session ID field 612 is 16 bits" recited in paragraph 0040 lines 1-2) and regarding claim 32, wherein the tag complies with a Host-Uniq TAG construct described in IETF RFC 2516 (Fig. 2, CPE device connected via an IP network to access concentrator, see "include a tag host-uniq tag" recited in paragraph 0008 lines 7-9).

Allowable Subject Matter

4. Claims 6, 8-13, 17-19, 25-28 and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments with respect to claims 1-3, 7, 14-15, 22, 24, 29, and 31-32 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed Bokhari whose telephone number is (571) 270-3115. The examiner can normally be reached on Monday through Friday 8:00-17:00 Hrs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kwang B. Yao can be reached on (571) 272-3182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KWANG BIN YAO
SUPERVISORY PATENT EXAMINER

